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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIDENCE
10/685,355	10/09/2003	Khai Nguyen	9818-106-999	CONFIRMATION NO.
•	7590 05/17/2004 EDMONDS LLP		EXAM	
3300 Hillview	Avenue		CHANG, D	PANIEL D
Palo Alto, CA	94304	*	ART UNIT	PAPER NUMBER
*	•		2819	
	+	* * *	DATE MAILED: 05/17/2004	;

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary - The MALLING DATE of this communication appears on the cover sheet with the correspondence address for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION. Extensions of titlen may be available under the provision of 3 CFR 1.136Q. In or event, however, may a neply be sinely fixed in the patient of them pays the reliability and the first in the patient of the pays of the reliability and the first in the patient of the reply in the patient of the pays of the reliability and the thin the patient of the patient of the pays of the reliability and the thin the patient of the patient of the pays with the sector extended price for the pays the reliability and the thin the pays of the patient of the pays with the sector extended price for the pays the reliability and the patient of the pays with the sector extended price for the pays with the sector of the pays with the sector of the pays with the pa		Application No.	Applicant(s)
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Acknowledgement

Receipt is acknowledged of the Preliminary Amendment filed October 9, 2003. Claims 1-18 are canceled and claims 19-31 are pending in the application.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(i) & 37 CFR 1.84(p) because lines, numbers & letters are not uniformly thick and well defined, clean, durable, and black (poor line quality). Also, some characters are too small.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Sample et al. (US 6,020,760, "Sample" hereinafter).

Regarding claim 19, Sample discloses, in Fig. 2, a double data rate compatible input/output element circuit for an I/O terminal (12) of a logic array comprising:

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a first output register (30) having an input (16) for receiving a first output signal (A) from the logic array and an output (QA) for registering the first output signal upon a first edge in an output clock signal (I/O CLK, 26),

a second output register (32) having an input (18) for, in at least one mode of operation (output mode), receiving a second output (B) signal from the logic array and an output (QB) for registering the second output signal upon the first edge in the output clock signal (I/O CLK, 26),

a multiplexer (54) having a first input (QA) connected to the output of the first output register, a second input (QB) connected to the output of the second output register, an address input (see 56) configurable to receive the output clock signal (I/O CLK, 26), and an output connectable to the I/O terminal (via 58 and 60).

Regarding claim 20, Sample discloses, in Fig. 2, that the first output register (30) is a delay type flip flop circuit and the second output register is a delay type latch circuit (col. 3, lines 29+).

Regarding claim 21, Sample discloses, in Figs. 2 and 3, that the address input of the multiplexer in the output block circuit is configurable to receive either the output clock signal (see I/O CLK in Fig. 3) or a fixed address signal (80 in Fig. 3) corresponding to a multiplexer input address for the registered first output signal.

Regarding claim 22, Sample discloses, in Fig. 2, both programmably delayed (input of 58 with bubble) and non-delayed versions (input of 58 with no bubble) of the signal output by the multiplexer are connectable to the I/O terminal.

Double Patenting

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The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 23-26 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 19, 20, and 24 of U.S. Patent No. 6,686,769 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because the present application presents claims that are slightly broader versions of the patented claims.

A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See Miller v. Eagle Mfg. Co., 151 U.S. 186 (1894); In re Ockert, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer <u>cannot</u> overcome a double patenting rejection based upon 35 U.S.C. 101.

Claims 27-31 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 25-29 of prior U.S. Patent No. 6,686,769 B1. This is a double patenting rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel D. Chang whose telephone number is (571) 272-1801. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Tokar can be reached on (571) 272-1812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel D. Chang Primary Examiner

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DANIEL CHANG PRIMARY EXAMINER